REMARKS

Claims 1-35 and 37 were presented for examination and were pending in this application. In an Office Action dated December 7, 2006, claims 1-35 and 37 were rejected. Applicants have canceled claims 8 and 30. Applicants have amended claims 9, 10, 27-29 and 31, and now respectfully request consideration of the application in view of the above amendment and the following remarks.

§ 102(e) — Chien

Claims 1-4, 7-11, 18, 21-23, 27-35, and 37 were rejected as anticipated by U.S. Patent Publication No. 2003/0115345 to Chien et al. The rejection of claims 1-4, 7-11, 18, 21-23, 35, and 37 is respectfully traversed, and Applicants submit that the amendments have overcome the rejection of claims 27-29 and 31-33.

Claims 1-4, 7-11, 18, and 21-23

Claims 1-4, 7-11, 18, and 21-23 recite a network adapter that includes several elements recited in means-plus-function form. Applicants respectfully traverse this rejection because the examiner has not established a prima facie case of anticipation. Specifically, although the claim contains means-plus-function language, it was rejected without a construction of that language as mandated by 35 U.S.C. § 112, sixth paragraph. Moreover, no case of anticipation could be made. Properly construed in light of and consistent with the specification, claims 1-4, 7-11, 18, 21-23 are novel over Chien.

Under § 112, sixth paragraph, a claimed means for performing a function is construed to cover the corresponding structure described in the specification for performing that function, and any equivalents thereof. Applying the principle that claims are given their "broadest reasonable interpretation" during prosecution, means-plus-function language is given its broadest reasonable

interpretation possible **within the constraints of § 112**. *In re Donaldson Co.*, 16 F.3d 1189, 1194-95 (Fed. Cir. 1994) (*in banc*).

Accordingly, when presented with means-plus-function language, the PTO may not interpret the language as *any* "means for" performing that "function" because such an interpretation would be broader than allowed by statute. *Donaldson*, 16 F.3d at 1195 ("The PTO is required by statute to look to [the] specification and construe the 'means' language . . . as limited to the corresponding structure disclosed in the specification and equivalents thereof."). *Donaldson* thus requires examiners to apply the sixth paragraph of § 112 when making rejections of claims having means-plus-function limitations. To reject such claims, the examiner must show that the prior art describes a structure that is the same as or equivalent to the structure described in the specification corresponding to the claimed means-plus-function. MPEP 2182.

Moreover, the MPEP explains that this is the examiner's **initial burden** when rejecting a claim:

> [I]f a prior art reference teaches identity of function to that specified in a claim, then under *Donaldson* an examiner carries the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function.

MPEP 2182 (emphasis in original). Without such a showing, there is no prima facie case of invalidity.

In this case, the requisite showing cannot be made because Chien does not describe a structure that is the same as or equivalent to the structures for performing the claimed means-plus-function limitations. For example, claims 1-4, 7-11, 18, and 1-23 recite a "means for enforcing a managed network environment." The specification, at paragraph 34, explains that in one embodiment this claimed function is performed by "an IP stack that has been instrumented

with particular features to enforce the managed network environment." Because Chien does not disclose an IP stack that has been instrumented with particular features to enforce the managed network environment, as explained below, claims 1-4, 7-11, 18, and 21-23 are patentable over Chien.

Claims 27-29, 31-35, and 37

Claim 27 has been amended to recite:

> A method for providing a network adapter for one or more access points in a local area network environment, comprising the steps of:
>
> connecting said access points to a wired network;
>
> connecting said access points to a wireless network;
>
> receiving packets from a wired network;
>
> processing the received packets through an augmented IP stack configured to filter out packets to be discarded and rewrite data packets transmitted between the wired and wireless networks, wherein rewriting packets is based on policies that enable network address translation (NAT);
>
> forwarding the processed packets to the wireless network; and
>
> communicating with a network control server for providing configuration information to the network adapter.

Amended claim 27 recites a method for providing a network adapter for connecting one or more access points in a local area network environment. The network adapter connects the access points to a wired network and to a wireless network. The network adapter uses an augmented IP stack to enforce a managed network environment between the wireless and wired networks by filtering out packets to be discarded and rewriting packets based on policies that enable network address translation. As explained in the specification, for example at paragraph 34, the "augmented IP stack is an IP stack that has been instrumented with particular features to enforce the managed network environment." Thus, the network adapter allows wireless devices to use multiple access points to access the wired network. This managed network environment

provided by the network adapter allows consistent policies, such as security or quality of service requirements, to be implemented in both the wireless and wired networks.

Chien does not disclose the claimed augmented IP stack. To address the "augmented IP stack" limitation, the examiner cited Figure 5 of Chien, specifically referencing the element labeled "RU 504." In Chien, the description of RU 504 provides:

> More generally, the RU 504 has three goals to achieve. The first goal is to facilitate the proper communication protocol needed to relay IP packets between the home nodes and the FWS infrastructure. The second goal is to prevent the airlink from carrying superfluous traffic. Lastly, the RU 504 needs to ensure the security of the network.

Chien, ¶ 49. In this passage, Chien discloses that RU 504 reduces the traffic over a wireless link by preventing the wireless network from carrying superfluous traffic. Specifically, RU 504 performs "frame filtering for packets arriving from the HLAN," so only certain types of frames are processed for transmission. Chien, ¶¶ 59-60. However, Chien merely discloses that RU 504 uses a processor to examine the type of received frames and drop certain types of frames. Hence, Chien does not disclose an "IP stack," or an "augmented IP stack," that processes packets, but merely discloses a processor that determines the type of frames received.

In the Office Action, the examiner cites to Chien's Figure 5 for this limitation. However, Figure 5 merely indicates that RU 504 filters frames; it does not disclose that RU 504 uses an "augmented IP stack" to perform this filtering, or even that RU 504 includes an "augmented IP stack." The mere fact that Figure 5 includes the phrase "frame filter" in the vicinity of what may be abbreviations for network layers does not disclose "an augmented IP stack for enforcing a managed network environment," as recited in the amended claims.

Based on the foregoing, Applicants respectfully submit that claim 27 (and its dependent claims 28, 29, 31-33) is patentable over Chien. Amended claims 34, 35, and 37 also recite an augmented IP stack as described above, so these claims are similarly patentable over Chien.

§ 103 — Chien in View of Oz

Claims 14-17 were rejected under as made obvious by Chien in view of U.S. Patent No. 6,434,141 to Oz et al. This rejection is respectfully traversed.

Oz was cited only for its purported disclosure of the additional dependent features recited in claim 14-17, and not for the claimed augmented IP stack. Because the proposed combination of Chien and Oz would still lack this claimed feature, claims 14-17 are patentable over the cited references.

§103 — Chien in View of "Well-Known in the Art"

Claims 5, 6, and 26 were rejected as made obvious by Chien in view of "well-known in the art." This rejection is respectfully traversed.

The purported "well-known art" was cited only the additional dependent features recited in claim 5, 6, and 26, and not for the claimed augmented IP stack. Because the proposed modification of Chien would still lack this claimed feature, claims 5, 6, and 26 are patentable thereover.

§ 103 — Chien in view of Maffeis

Claims 12, 13, 19, 20, 24, and 25 were rejected as made obvious by Chien in view of U.S. Patent No. 6,721,779 to Maffeis. This rejection is respectfully traversed.

Maffeis was cited only for its purported disclosure of the additional dependent features recited in claim 12, 13, 19, 20, 24, and 25, and not for the claimed augmented IP stack. Because

the proposed combination of Chien and Maffeis would still lack this claimed feature, claims 12, 13, 19, 20, 24, and 25 are patentable over the cited references.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-7, 9-29, 31-35 and 37, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and requests allowance of them.

In addition, Applicants respectfully invite the examiner to contact Applicants' representative at the number provided below if the examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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Dated: February 28, 2007

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